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10/693,019	10/23/2003	Brijesh Krishnaswami	MS306622.1	2371
27195 7590 04/10/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER WANG, RONGFA PHILIP	
			ART UNIT 2191	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/693,019

Applicant(s)

KRISHNASWAMI ET AL.

Examiner

Philip Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 19-22 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 23-34, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 19-22, 35-37 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the application filed on 10/23/2003.
2. Claims 1-18, 23-34, 38 and 39 are pending.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-18, 23-34, 38 and 39, drawn to software development tools, classified in class 717, subclass 100.
  - II. Claims 19-22, drawn to Application Programming Interface (API), classified in class 719, subclass 328.
  - III. Claims 35-37, drawn to data packets, classified in class 719, subclass 310.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are directed to related configuration management system, API and data packets respectively. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are for a configuration management system, API and data packets. These three inventions can have a materially different design, or mode of operation.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

During a telephone conversation with Himanshu S. Amin (40,894) on 3/14/2007 a provisional election was made with traverse to prosecute the invention of group I, claims 1-18, 23-34, 38 and 39. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-22, and 35-37 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Claim Objections***

4. Claims 30 and 34 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 30 and 34 recite the limitation of a computer readable medium. A computer readable medium can be infringed without infringing the associated method claim(s), therefore fails the infringement test. One can make copies of a computer readable

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medium, or sell computer readable medium without actually executing the code stored on the medium.

5. Claim 24 is objected to because of the following informalities: The instant claim does not end the claim with a period. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the configuration information" in "at least some of the configuration information". There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the settings" in "the setting comprising types...". There is insufficient antecedent basis for this limitation in the claim.

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Claim 25 depends on claim 24 and suffers the same deficiency.

7. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: there is no detail in the claim language explaining the functionalities of an assertion engine component or a legacy handler component.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7, <sup>10-14</sup>16, 18, 23-25, and 27-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (US PGPub. No. 2004/0049509).

As per claim 1,

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Keller et al. discloses

A configuration management system comprising:

- a configuration store that stores persisted information associated with an application, the persisted information comprising at least one of configuration and dependency information (Fig. 2A, [0097], [0098], where discloses a system that containing configuration store 225 comprising dependency information.); and,
- a configuration service component that manages access to the configuration store (Fig. 2A, Repository Agent 230, [0098], "The resource dependency repository 225 can be queries, updated and modified through a repository agent 230.).

As per claim 2,

the rejection of claim 1 is incorporated;

Keller et al. discloses

- the configuration service component receives a manifest associated with the application, the manifest comprising at least one of configuration and dependency information associated with the application, and the configuration service component stores at least some of the manifest

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information in the configuration store (Fig. 2B, shows an Administrator GUI 285 containing memory which is cache stores requests sent to the system; see FIG. 2A).

As per claim 3,

the rejection of claim 2 is incorporated;

Keller et al. discloses

- the manifest is based, at least in part, upon a schema ([0153], "...XML Schema...").

As per claim 4,

the rejection of claim 3 is incorporated;

Keller et al. discloses

- the schema is XML-based ([0153], "...XML Schema...").

As per claim 5,

the rejection of claim 2 is incorporated;

Keller et al. discloses

- the manifest employing at least one of strong typing, validation, and assertions ([0153], "...XML Schema...").

As per claim 6,

the rejection of claim 2 is incorporated;

Keller et al. discloses

- the configuration service component compiles at least one of manifest information into a namespace, the configuration service component providing access to the namespace(FIG. 2A).

As per claim 7,

the rejection of claim 1 is incorporated;

Keller et al. discloses

- a configuration management engine that facilitates management of at least some of the configuration information(FIG. 2A).

As per claim 10,

the rejection of claim 1 is incorporated;

Keller et al. discloses

- the configuration service component facilitating at least one management service(FIG. 2A):

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As per claim 11,

the rejection of claim 10 is incorporated;

Keller et al. discloses

- the management service comprising at least one of a group policy component and a roaming component(FIG 2A, 250 Policy).

As per claim 12,

the rejection of claim 10 is incorporated;

Keller et al. discloses

- the management service facilitating at least one of install, usage, servicing, uninstall, roaming, migration, setup, provisioning, policy, backup and/or restore ([0009], "...installation...").

As per claim 13,

the rejection of claim 1 is incorporated;

Keller et al. discloses

- an assertion engine that facilitates administration of a validation rule by the configuration service component(Fig. 2A, 245 Dependency Service, ).

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As per claim 14,

the rejection of claim 1 is incorporated;

Keller et al. discloses

- a notification handler that provides information associated with a configuration change of the application to at least one of the application and another application ([0082], "... provides a publish/subscribe interface for notifying for changes...").

As per claim 16,

the rejection of claim 1 is incorporated;

Keller et al. discloses

- the configuration service component facilitates transacted commits for saving related changes together in the configuration store (Fig. 2A, Repository Agent 230, [0098], "The resource dependency repository 225 can be queried, updated and modified through a repository agent 230.).

As per claim 18,

the rejection of claim 1 is incorporated;

Keller et al. discloses

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- the configuration service component facilitates change logs and history([0082], "...a notion of history in order to detect and determine changes...").

As per claim 23,

the rejection of claim 1 is incorporated;

Keller et al. disclose

- the configuration store comprises a joint engine technology database that stores a settings namespace(FIG 2A for database).

As per claim 24,

the rejection of claim 23 is incorporated;

Keller et al. disclose

- a namespace comprises metadata on the settings comprising types, attributes, and user context, the namespace further comprising an instance values of the settings([0153], "...XML Schema...").

As per claim 25,

the rejection of claim 24 is incorporated;

Keller et al. disclose

- at least one of the metadata on the setting and instance values of the settings is stored for each user context([0153], "...XML Schema...").

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As per claim 27,

Keller et al. discloses

A configuration management system comprising:

- a local cache that at least temporarily stores changes to configuration information associated with an application (Fig. 2B, shows an Administrator GUI 285 containing memory which is cache stores requests sent to the system); and,
- a configuration engine that facilitates communication of the changed configuration information stored in the local cache to a configuration service component ([0096], "...an administrator graphical user interface 285 by which an administer interacts with the system."; Fig. 2A, Repository Agent 230, [0098], "The resource dependency repository 225 can be queries, updated and modified through a repository agent 230.)).

As per claim 28,

Keller et al. discloses

A method for facilitating configuration management comprising:

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- receiving a manifest associated with an application, the manifest comprising at least one of configuration and dependency information (Fig. 2A, Repository Agent 230, [0098], "The resource dependency repository 225 can be queries, updated and modified through a repository agent 230.);
- registering the manifest; and, storing at least some of the manifest information in a configuration store ([0082], "...registered for changes within the dependency model...").

As per claim 29,

The rejection of claim 28 is incorporated,

Keller et al. discloses

- further comprising compiling a configuration section of the manifest into a namespace ([0152] for URI).

As per claim 30,

- see rejection of claim 28.

As per claim 31,

Keller et al. disclose

A method of facilitating configuration management comprising:

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- providing a manifest, the manifest associated with at least one of configuration and dependency information of a first application; and,
- accessing a setting of an application via a configuration service component(Fig. 2A, Repository Agent 230, [0098], "The resource dependency repository 225 can be queries, updated and modified through a repository agent 230.);.

As per claim 32,

the rejection of claim 31 is incorporated;

Keller et al. disclose

- identifying settings in a namespace associated with the first application;
- defining a name, a type, a description and default value for a setting;
- defining other metadata for the setting;
- providing a validation rule for the setting; indicating service applicability for the setting; and, identifying a dependency using an assertion expression(See Fig. 2A).

As per claim 33,

the rejection of claim 32 is incorporated;

Keller et al. disclose

accessing a setting associated with the first application; and,

- accessing a setting associated with a second application(See Fig. 2A).

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As per claim 34,

- see rejection of claim 32.

9. Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Hellerstein et al. (US PGpub. No. 2002/0129356).

As per claim 39,

Hellertein et al. disclose

A configuration management system comprising:

- means for storing configuration information associated with an application ; and means for managing access to the means for storing configuration information (Fig. 1, [0005], "In step 2, a configuration file or database... This configuration file is typically updated...").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8, 9, 15, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US PGPub. No. 2004/0049509) in view of Olmeda et al. (US PGPub. No. 2002/0147972).

As per claim 8,

the rejection of claim 1 is incorporated;

Keller et al. do not disclose

- the configuration service component facilitating access to a legacy store.

However, Olmeda et al. disclose

- the configuration service component facilitating access to a legacy store.

([0089], "...the installation (.ini) and driver files...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Olmeda et al. into the teachings of Keller et al. to include the configuration service component facilitating access to a legacy store. The modification would be obvious to one of ordinary skill in the art to want to configure Windows applications as suggested by Olmeda et al.([0089], "...in the case of Windows..."):

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As per claim 9,

the rejection of claim 8 is incorporated;

Keller et al. do not disclose

- the legacy store comprising at least one of a registry and an INI configuration file.

However, Olmeda et al. disclose

- the legacy store comprising at least one of a registry and an INI configuration file ([0089], "...the installation (.ini) and driver files...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Olmeda et al. into the teachings of Keller et al. to the legacy store comprising at least one of a registry and an INI configuration file. The modification would be obvious to one of ordinary skill in the art to want to configure Windows applications as suggested by Olmeda et al.([0089], "...in the case of Windows...").

As per claim 15,

the rejection of claim 1 is incorporated;

Keller et al. do not disclose

- a legacy handler that facilitates synchronization of the system with a legacy store.

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However, Olmeda et al. disclose

- a legacy handler that facilitates synchronization of the system with a legacy store ([0089], "...the installation (.ini) and driver files...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Olmeda et al. into the teachings of Keller et al. to include a legacy handler that facilitates synchronization of the system with a legacy store.. The modification would be obvious to one of ordinary skill in the art to want to configure Windows applications as suggested by Olmeda et al. ([0089], "...in the case of Windows...").

As per claim 38,

Keller et al. disclose

- a configuration service component that manages access to a configuration store, the configuration service component comprising an assertion engine component, wherein the configuration store stores persisted configuration information associated with an application.

Keller et al. do not disclose

- a legacy handler component.

However, Olmeda et al. disclose

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- a legacy handler component([0089], "...the installation (.ini) and driver files...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Olmeda et al. into the teachings of Keller et al. to include a legacy handler component. The modification would be obvious to one of ordinary skill in the art to want to configure Windows applications as suggested by Olmeda et al.([0089], "...in the case of Windows...").

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US PGPub. No. 2004/0049509) in view of Eager et al. (US Patent. No. 5,960,200).

As per claim 17,

the rejection of claim 1 is incorporated;

- the configuration service component employs at least one of ACL-based security and role-based security are provided at per-setting granularity.

Keller et al. do not disclose

- the configuration service component employs at least one of ACL-based security and role-based security are provided at per-setting granularity.

However, Eager et al. disclose

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- the configuration service component employs at least one of ACL-based security and role-based security are provided at per-setting granularity(c0l. 21, line 38, "...ACL...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Eager et al. into the teachings of Keller et al. to include the above limitation. The modification would be obvious to one of ordinary skill in the art to want to controlling access to application resources of Windows applications as suggested by Eager et al. ([0089], "...in the case of Windows...").

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US PGPub. No. 2004/0049509) in view of Bondarenko et al. (US PGPub. No. 2004/0083479).

As per claim 26,

the rejection of claim 1 is incorporated;

Keller et al. do not disclose

- at least one of URI and Xpath can access a setting within a namespace as well as in between namespaces.

However, Bondarenko et al. disclose

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- at least one of URI and Xpath can access a setting within a namespace as well as in between namespaces[0069], for Xpath; and [0101], for URI).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Bondarenko et al. into the teachings of Keller et al. to include the above limitation. The modification would be obvious to one of ordinary skill in the art to want to enable third party integration of the application as suggested by Bondarenko et al. ([0007], "...third-party integration...").

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or

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relating to the status of this application should be directed to the TC2100 Group receptionist:  
571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WEI ZHEN  
SUPERVISORY PATENT EXAMINER